UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAN KONOPCA,

Plaintiff,

-against-

PREMIER NEVADA, LLC, FIRST PREMIER BANK, and PREMIER BANKCARD, LLC

Defendants.

Civ No:

CLASS ACTION COMPLAINT

Introduction

1. Plaintiff Jan Konopca, on behalf of himself and a class of similarly situated persons, seeks redress for the illegal practices of Premier Nevada, LLC, First Premier Bank, and Premier Bankcard, LLC (collectively "Premier") in which they unlawfully engaged in the collection of consumer debts in violation of the Telephone Communications Privacy Act ("TCPA").

Parties

2. Plaintiff is a citizens of the State of New Jersey who reside within this District, and is a 'person' as defined by the TCPA.
3. The alleged debt that Defendants sought to collect from the Plaintiffs involves a consumer debt.
4. Upon information and belief, Defendants' principal place of business is located within Sioux Falls, South Dakota.
5. Defendants are regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

Jurisdiction and Venue

6. This Court has federal question jurisdiction under 28 U.S.C. § 1331.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, within this district.

Allegations Particular to Jan Konopca

8. Upon information and belief, on a date better known by Defendants, Defendants began to call the Plaintiff's cellular phone, with its assigned wireless phone number (732)222-2222 on numerous occasions within the past four years.
9. Upon information and belief Defendants used an automatic telephone dialing system, prerecorded and artificial voice, and prerecorded messages when calling the Plaintiff's cellular phone.
10. The Defendants violated 47 U.S.C. § 227 by calling the Plaintiff's cellular phone via an automatic telephone dialing system on numerous occasions over the past four years.
11. Defendants have repeatedly violated the TCPA by the calls made to Plaintiff, specifically by placing numerous calls via the use of automatic dialers, predictive dialers, and/or prerecorded messages to the Plaintiff's cellular phone.
12. Plaintiff has never consented to be contacted by the Defendants via the use of an automatic telephone dialing system, artificial or prerecorded voice.
13. Upon information and belief, the Defendants were in fact attempting to reach a third party in their numerous calls placed to the Plaintiff's cell phone.
14. Plaintiff is therefore entitled to statutory damages against the Defendants for their repeated violations of the TCPA in the amount of $500.00 per call.
15. Plaintiff is further entitled to enhanced damages of $1,500.00 per call, pursuant to 47 U.S.C. § 227(b)(3), where the calls to the Plaintiff's cellular phone were placed in willful contravention of the statute.

16. Defendants knew or should have known that their actions in calling the Plaintiff's cellular phone via prerecorded messages, artificial voice and via the use of an automatic telephone dialing system was in violation of the TCPA and were made in reckless disregard of that statute.

17. The actions of the Defendants violate the TCPA.

18. Because the Defendants intentionally violated the TCPA, the Plaintiff are entitled to damages in accordance with the TCPA namely $1,500.00 for each call where the Defendants failed to obtain prior express consent from the Plaintiff.

CLASS ALLEGATIONS

19. This action is brought on behalf of Plaintiff and the members of a class of similarly situated persons.

20. The class consists of all persons residing in the State of New Jersey whom Defendants' records reflect (1) received telephonic messages or calls from Defendants' representatives within the four year period preceding the filing date of the instant complaint which were placed via the use of an automatic telephone dialing system or an artificial or prerecorded voice; and (2) who did not provide prior express to be contacted by the Defendants via the use of an automatic telephone dialing system.

21. Pursuant to Federal Rule of Civil Procedure 23(b)(2) and 23(b)(3), a class action is appropriate and preferable in this case because:

    a. Based on the fact that telephonic calls and messages are at the heart of this litigation, the class is so numerous that joinder of all members is impracticable.

    b. There are questions of law and fact common to the class and these questions predominate over any questions affecting only individual class members. The principal question presented by this claim is whether the Defendants violated the TCPA.

c. The only individual issue is the identification of the consumers who received the telephonic messages or auto-dialed calls, (i.e. the class members), a matter capable of ministerial determination from the records of Defendant.

d. The claims of the Plaintiffs are typical of those of the class members. All are based on the same facts and legal theories.

e. The Plaintiffs will fairly and adequately represent the class members' interests. The Plaintiffs have retained counsel experienced in bringing class actions and TCPA claims. The Plaintiffs' interests are consistent with those of the members of the class.

f. A class action is superior for the fair and efficient adjudication of the class members' claims. The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

g. If the facts are discovered to be appropriate, the Plaintiffs will seek to certify a class pursuant to Rule 23(b)(2) and/or 23(b)(3) of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants as follows:

A. For mandatory statutory damages of $500 for each call received from the Defendants, provided and pursuant to 47 USC §227(c)(2)(G)(3)(B);

B. Plaintiff requests enhanced damages of $1,500 per call to be awarded to the Plaintiff in accordance with the TCPA, for each of the Defendant's willful or knowing violations of the TCPA;

C. For an Order declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative, and Yitzchak Zelman, Esq., as Class Counsel;

D. Awarding Plaintiff and the Class statutory damages;

E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
January 29, 2015

Respectfully submitted,

LAW OFFICE OF ALAN J. SASSON, P.C.

By: /s/ Yitzchak Zelman______________

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CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I, Yitzchak Zelman, the undersigned attorney of record for Plaintiff, do hereby certify to my own knowledge and based upon information available to me at my office, the matter in controversy is not the subject of any other action now pending in any court or in any arbitration or administrative proceeding.

January 29, 2015

__/s/ Yitzchak Zelman__________________
Yitzchak Zelman, Esq.